

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ZIA H. SHAIKH,

Petitioner,

v.

LAURA GERMADNIG, et al.,

Respondents.

Civil Action No. 17-12649 (PGS)

MEMORANDUM AND ORDER


This matter has come before the Court on a Writ of Habeas Corpus filed by Petitioner Zia H. Shaikh pursuant to 28 U.S.C. § 2241, seeking relief, apparently, from a warrant for arrest as a result of Petitioner's failure to pay court-ordered child and spousal support. *See* ECF No. 1-2 at 1. However, Petitioner has not actually been arrested. *See* ECF No. 1 at 1. As such, Petitioner is not currently incarcerated by the State. Section 2241 require petitioners to be in custody at the time a petition is filed. *See* 28 U.S.C. § 2241(c); *Maleng v. Cook*, 490 U.S. 488, 490 (1989). Petitioner was not in custody when the Petition was filed, so this Court has no jurisdiction over the Petition—all that appears from the Petition is that there is a warrant for his arrest, which the State apparently have yet to carry out. Accordingly, the Court dismisses the Petition for lack of jurisdiction.

IT IS therefore on this 8 day of January, 2018,

ORDERED that the Clerk shall **REOPEN** the case by making a new and separate docket entry reading "CIVIL CASE REOPENED"; it is further

ORDERED that the Petition, ECF No. 1, is hereby **DISMISSED** for lack of jurisdiction; and it is further

ORDERED that the Clerk shall serve this Order upon Petitioner, and shall **CLOSE** the file.



Peter G. Sheridan
United States District Judge